

REMARKS

In the final Office Action dated November 16, 2009, claims 92-93 and 95-107 have been rejected. By the above amendments, the Applicant has amended claim 92. Accordingly, claims 92-93 and 95-107 are still pending. Favorable reconsideration is respectfully requested in view of the amended claims and the arguments set forth fully below.

Rejections Under 35 U.S.C. §101

Claims 92-93 and 95-107 have been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter, specifically, the Examiner submits that these claims are "software per se". By the above amendments, the Applicant has added clear limitations that read on hardware.

In the official action the Examiner has not provided any reasoning why a receiver and transmitter are considered to be software. The Examiner merely asserts that in claim 92 there exists "... no clear limitations that read on some sort of hardware". A transmitter and network receiver are clearly physical objects and are not merely pure software systems. For example, if for sake of argument only it is accepted that the receiver and transmitter are software (which they clearly are not), then how is it possible for such a "software receiver" to receive a code from a user's communication device? Furthermore how is it possible for such a "software transmitter" to transmit information to the user's communication device? Clearly it would be impossible for these elements of claim 1 to be "software per se".

Furthermore, the amendments above make it clearer that the receiver and transmitter are physical hardware elements by referring to receiving and transmitting via a wired or wireless network. Support for wired or wireless network can be found in the description on at least page 33, lines 18 to 21 (see also network connections (5) in figure 1).

Claim 92 has been amended to refer to a processor. Such a processor embodied in the host system clearly indicates the host system is a physical object. In claim 92 the database has been amended to refer to a database server. The feature of a server clearly indicates a physical (i.e. hardware) computer system.

The Applicant further respectfully submits that the Examiner's reading of paragraph [0122] (page 26, lines 4 to 6) of the description is not entirely accurate. This paragraph does not disclose that the "*invention* may be embodied in software or a by a human

operator” (emphasis added – see page 6 of the official action), rather this paragraph discloses that the **analysis and classification of the information or data** may be performed by either software or human operator.

The analysis and classification of the information or data is **not the claimed invention**. The claimed invention is the host system, inherently including a processor, and further comprising the database server, the network receiver, the set of executable software codes and the transmitter, and the interaction between these items to receive a request from a user’s communication device, to interpret the request from the user and transmit to the user’s communication device the requested information. The passage in paragraph [0122] is referring to a process carried out to set-up, classify and save the information in the database for future use (such future use being the request for information from a user).

Accordingly, the Applicant believes that the claims now include the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. §101. Furthermore, as the Examiner has indicated that these limitations may have been functional descriptive material per se, the Applicant submits that the executable software code set forth in the independent claim 92 to carry out the previously recited "means for" steps is now sufficiently described and claimed as being recorded on some computer readable medium, and executed by a processor. Therefore, claim elements are structurally and functionally inter-related to the medium and thus statutory as they permit the function of the descriptive material to be realized.

Rejections Under 35 U.S.C. §102

Claims 92, 96, 99, 103-104 and 107 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,438,533 to Spackman et al. (hereinafter Spackman). The Applicant respectfully disagrees with this rejection.

An important aspect of the present invention, and also a distinguishing feature, is that the "links" of the present invention are links to internet web pages and/or internet based information located on another server or system outside of the database/system. This means that while the codes remain constant, the information and links associated with each code change dynamically (i.e. a weather forecast will change day-by-day). This aspect of the invention is described on page 38, lines 6-23 of the description.

This aspect of the present application is described throughout the specification, including "...the alphanumeric codes may act as shortcuts that pinpoint Internet content and other information..." [page 6]; "...to provide a bridge between static media (such as newspapers and magazines) and the more interactive elements of the Internet, and thereby enable a link to associated information on the Internet and other networks..." [page 7]; "...Data Classification Codes represent virtual links to information, whereby such codes are able to create an immediate bridge from one type of information to another, such as from traditional media to the more interactive dynamics of the Internet..." [page 9]; "...information that has been identified and classified with a Data Profile and Data Classification Code may reside anywhere on the Internet and/or other networks, servers or systems, and may be stored in any local and/or remote databases..." [pages 25/26]; and "...the Data Classification codes may refer to information and/or data on the Internet, other servers, systems and/or networks or devices, distributed by wired and/or wireless networks, broadcast with data, audio and/or video programming, and/or distributed by any other means, network or system..." [page 33].

This claimed feature of the invention is not disclosed, or suggested, in Spackman.

Claim 92 is directed to a host system for providing information stored in electronic or other form, the system comprising a server database, wherein the server database stores codes, information and links to internet based information stored or existing outside of the server database associated with said codes, wherein each code comprises a plurality of alpha-numeric sub-codes in a hierarchical structure, and wherein the codes are used for classifying information according to subject terms by encoding subject terms with codes, a network receiver, wherein the network receiver receives a code from a user's communications device via a wired or wireless network, a set of executable software code stored on the host system such that when the set of executable software code is executed by a processor included in the host systems, the code received by the user is recognized as a request for information, is parsed, and information is retrieved from one or more databases or servers by using information and links associated with the code received by the user, and a transmitter, wherein the retrieved information is transmitted via the wired or wireless network to the user's communications device over a network.

As discussed above, the Spackman reference does not teach the limitations directed to the server database storing codes, information and links to internet based information stored or existing outside of the database associated with said codes in a database, receiving a

code, recognizing the code as a request for information and parsing the code, nor retrieving information from one or more databases or servers by using the information and links associated with the code. For at least these reasons, the independent claim 92 is allowable over the teachings of Spackman.

Claims 96, 99, 013-104 and 107 are dependent upon the independent claim 92. As discussed above, the independent claim 92 is allowable over the teachings of Spackman. Accordingly, claims 96, 99, 103-104 and 107 are also allowable as being dependent upon an allowable base claim.

Rejections Under 35 U.S.C. §103

Claims 93-95, 97-98, 100-102 and 105-106 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Spackman in view of "the ACM computing classification system (1998)", December 1998, pages 1-30 (hereinafter ACM).

Claims 93, 95, 97-98, 100-102 and 105-106 are dependent upon the independent claim 92. As discussed above, the independent claim 92 is allowable over the teachings of Spackman. Accordingly, claims 93, 95, 97-98, 100-102 and 105-106 are also allowable as being dependent upon an allowable base claim. Claim 94 has been cancelled.

Conclusion

For these reasons, Applicant respectfully submits that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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